

THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SILVIE POMICTER and  
LAST CHANCE FOR ANIMALS

Plaintiffs,

v.

3:16-CV-00632  
(JUDGE MARIANI)

LUZERNE COUNTY CONVENTION  
CENTER AUTHORITY and  
SMG

Defendants.

**ORDER**

AND NOW, THIS 27TH DAY OF APRIL, 2016, upon consideration of Plaintiffs' Verified Complaint (Doc. 1), Motion for Preliminary Injunction (Doc. 2), and all supporting and opposing briefs, and counsel for Plaintiffs and Defendants having appeared before the Court and presented argument and evidence, **IT IS HEREBY ORDERED** that Plaintiffs' Motion for Preliminary Injunction (Doc. 2) is **GRANTED AS FOLLOWS:**

1. As further discussed in its accompanying Memorandum Opinion, the Court makes the following findings:
  - a. There is a likelihood that Plaintiffs will succeed on the merits of their claims that Defendants' protest policies and practices at the Mohegan Sun Arena violate Plaintiff's First Amendment rights and rights under Article I § 7 of the Pennsylvania Constitution. Specifically, the Court finds that the confinement of protestors to the barricaded designated areas prevents Plaintiffs from

engaging in the protected First Amendment activity of face-to-face leafletting and is not a reasonable restriction in light of the purposes of the forum and all surrounding circumstances;

- b. Substantial and irreparable injury to Plaintiffs will follow unless this Order is entered;
- c. Greater injury will be inflicted upon Plaintiffs by the denial of relief than will be inflicted upon Defendants by the granting of relief;
- d. Plaintiffs have no adequate remedy at law; and
- e. The public interest will be served by the injunction.

2. Defendants, together with their representatives, agents, servants, and all others acting on their behalf or in concert with them, are hereby **ENJOINED** and **RESTRAINED**, until further Order of the Court, from confining all protestors outside the Mohegan Sun Arena to the designated protest areas and thereby preventing protestors from distributing literature and/or speaking with Arena patrons on the open spaces outside the Mohegan Sun Arena, consistent with the terms of paragraph 3 of this Order.
3. All protestors shall abide by the following restrictions:
  - a. Protestors must stay outside the "entry bridge" area that is outside each set of entrances to the Mohegan Sun Arena at the West and East Gates which is distinguished by lighter color pavement;

- b. Protestors who wish to stand in groups or hold any signs must stay in the designated protest areas;
- c. Protestors may not approach patrons who are standing in line to purchase tickets or in line at the doors at the East or West gates, even if the line extends past the entry bridge into the darker concrete, and may not block the ingress or egress of patrons at the Mohegan Sun Arena;
- d. Protestors may not approach patrons who are walking through the parking area or vehicle traffic lanes, and may not approach patrons within the first six feet of entry onto the darker concrete from the parking lot;
- e. No more than 20 individual protestors/leafletters may distribute literature on the sidewalk connecting the East and West Gates or on the darker colored concrete outside the East and West Gates at any one time;
- f. Leafletting shall be defined as engaging in conversation and offering a leaflet or literature and shall not include solicitation of donations or the persistent harassment of patrons at the Mohegan Sun Arena;
- g. Leafletters shall not carry or wear any signs or banners except in the designated protest areas;
- h. Plaintiffs shall post a security bond in accordance with Federal Rule of Civil Procedure 65(c) in the amount of \$100 prior the injunction taking effect;

- i. Plaintiffs, by their attorneys, agents or others designated by it, may serve copies of this Order upon Defendants and upon any person acting in concert or participating with them in the activities referred to above, and upon all persons acting in concert or participating with Plaintiffs in the activities referred to above.
4. Defendants shall post a sign informing all protestors of the terms of this Order on or before April 28, 2016.



Robert D. Mariani  
Robert D. Mariani  
United States District Judge